

Attorney Docket No.: DC-0172  
Inventors: Guyre et al.  
Serial No.: 10/054,444  
Filing Date: January 22, 2002  
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REMARKS

Claims 1-5 are pending in this application. Claims 1-5 have been subjected to a Restriction Requirement. Reconsideration is respectfully requested in light of the following remarks.

**I. Election/Restriction Requirement Under 35 U.S.C. 121**

The Examiner has made a restriction requirement as follows: Group I, claims 1-3, drawn to a composition comprising a baculovirus expressed recombinant Fel dI and a sFv monoclonal antibody H22, classified in class 424, subclass 135.1 and Class 424, subclass 93.1; Group II, claim 4, drawn to a method of diagnosing a human with cat allergy, classified in class 435, subclass 7.2; and Group III, claim 5, drawn to a method of protecting a human against cat allergy comprising a baculovirus expressed recombinant Fel dI, classified in class 424, subclass 199.1.

The Examiner suggests that the inventions of groups I and II are related as product and process of use but that the inventions are distinct because the product as claimed can be used in a materially different process. The Examiner also suggests that groups I and III are related as product and process of use but that they are distinct inventions because the product can be used in a

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materially different process. Finally, the Examiner suggests that groups II and II are patentably distinct methods of use because they require different process steps and ingredients.

In accordance with MPEP 803, there are two criteria which must be met for a proper restriction requirement. The first is that the invention must be independent or distinct; the second is that there would be a serious burden on the Examiner if the restriction is not required. In the case of groups I, II, and III claims 4 and 5 are each dependent upon claim 1. Therefore, the compositions of groups II and III are dependent on the compositions of group I and are not separate and distinct. A search of the literature for references to a baculovirus expressed recombinant Fel dI would inherently find references to both the composition and its uses. Thus, searching uses for the compositions of group I in addition to searching for the compositions should not present a serious burden to the Examiner. Accordingly, the restriction requirement appears to be improper.

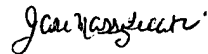
In an earnest effort to be completely responsive, Applicants are electing with traverse, Group I, claims 1-3. Withdrawal of this restriction requirement is respectfully requested.

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## II. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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Date: June 12, 2002

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